

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**MARION, et al.**

Serial No. **Not yet assigned**

Filed: Submitted herewith

For: DEVICES AND METHODS FOR  
CONTROLLING INITIAL  
MOVEMENT OF  
ELECTROSURGICAL  
ELECTRODE

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

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CERTIFICATE OF MAILING (37 C.F.R. §1.10)

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November 13, 2003  
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IR1:1049770.1

Cynthia B. Pacheco  
Cynthia B. Pacheco

In accordance with §1.97(b), this Information Disclosure Statement is being filed within three months of the filing date of the above-identified application, and therefore no fee is required.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: November 13, 2003

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

### Complete if Known

Application Number	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	MARION et al.
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	032,290-068

Sheet 1 of 1

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	AA	D457,960		Eggers et al.	05-28-2002	
	AB	D457,628		Eggers et al.	05-21-2002	
	AC	6,312,428		Eggers et al.	11-06-2001	
	AD	6,287,304		Eggers et al.	09-11-2001	
	AE	6,277,083		Eggers et al.	08-21-2001	
	AF	6,106,524		Eggers et al.	08-22-2000	
	AG	5,947,964		Eggers et al.	09-07-1999	
	AH	5,928,159		Eggers et al.	07-27-1999	
	AI	6,440,147		Lee et al.	08-27-2002	
	AJ	6,471,659		Eggers et al.	10-29-2002	
	AK	6,620,157		Dabney et al.	6,620,157	
	AL					
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### FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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